

REMARKS

Claims 1-30 are pending in the present application.

The rejections of: (a) Claims 1-2 under 35 U.S.C. §102(b) over Masunari et al; (b) Claim 3 under 35 U.S.C. §102(b) over Masunari et al; (c) Claims 1-2 under 35 U.S.C. §102(b) over Rahman et al; (d) Claim 3 under 35 U.S.C. §102(b) over Rahman et al; (e) Claims 1-2 under 35 U.S.C. §102(b) over LaFrentz et al; and (f) Claim 3 under 35 U.S.C. §102(b) over LaFrentz et al, are respectfully traversed.

Applicants submit that the Examiner's rejections over Masunari et al, Rahman et al, and LaFrentz et al are without merit and overlook a critical element of the claimed invention. Specifically, none of Masunari et al, Rahman et al, and LaFrentz et al disclose inactivation of a logarithmic growth phase culture.

Masunari et al disclose culturing *F. psychrophilum* for 3 to 3.5 days in modified cytophaga broth at 18°C. Rahman et al simply scrape *F. psychrophilum* cells from an agar plate. And, LaFrentz et al disclose culturing *F. psychrophilum* for 72 hours in TYES at 15°C. Notwithstanding the fact that Masunari et al disclose that the amount of live cells before inactivation was  $10^6$  CFU/ml, Applicants submit that based the similarities in the growth conditions, the growth curve of *F. psychrophilum* shown in Figure 1 of the present application, and the disclosure at page 9, lines 11-15, it is clear that none of Masunari et al, Rahman et al, and LaFrentz et al disclose inactivation of a logarithmic growth phase culture. Therefore, none of these references can anticipate the claimed invention.

Moreover, Applicants submit that in view of the results shown in the Examples of the present application the claimed invention would not even be obvious in view of these references.

Withdrawal of these grounds of rejection is requested.

The rejection of Claims 1-2 under 35 U.S.C. §102(b) over Kondo et al is obviated by amendment.

This rejection appears to be based solely on the disclosure of a 36-hour logarithmic growth phase culture in Kondo et al. The Examiner has taken the position that Kondo et al anticipates these claims. To address this rejection, Claims 1 and 2 as have been rewritten as compositions that contain additional components in addition to the logarithmic growth phase culture or components thereof. More specifically, Claims 1 and 2 have been amended to be pharmaceutically administrable compositions that contain one or more pharmaceutically acceptable carriers or adjuvants in addition to the active component. Kondo et al do not disclose or suggest such a composition and, therefore, this rejection should be withdrawn.

Acknowledgment that this ground of rejection has been withdrawn is requested.

The rejection of Claims 1-3 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

The Examiner has objected to the following terms: “effective component,” “effective dosage,” and “components of the cells.” With respect to the term “effective component” this term has been removed from the claims and is no longer relevant. The term “components of the cells” has now been defined in the claim based on the description on page 7, lines 8-9. Therefore, this rejection is now believed to be moot with respect to this term. Finally, with respect to “effective dosage” the Examiner is referred to MPEP §2173.05(c) in which the analogous phrase “effective amount” is discussed. Applicants submit that it is clear from the claimed invention and the description in the specification that the term “effective dosage” is

properly construed as the dosage (i.e., amount) of the compound to be administered that elicits prophylaxis of cold-water disease in fish.

In view of the foregoing, Applicants request withdrawal of this ground of rejection.

The objections to: (a) Claims 1-3 based on a misspelling and (b) Claim 2 under 37 C.F.R. §1.75(c), are obviated by amendment. Applicants have amended original Claims 1-3 to address the Examiner's specific points of criticism. Withdrawal of these grounds of objection is requested.

The objection to the specification for misspellings and inclusions of tradenames is believed to be obviated by amendment. Applicants have amended the specification to address the Examiner's specific points of criticism. Withdrawal of these grounds of objection is requested.

Applicants submit that the application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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